



ITW

PATENT  
ATTORNEY DOCKET NO. 040894-7171

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Inventors: YAMAGUCHI *et al.* )  
)  
Application No.: 10/522,573 ) Group Art Unit: 1753  
)  
Filed: January 28, 2005 ) Examiner: Diamond, A.  
)  
For: THERMOELECTRIC TRANSPORTATION )  
MATERIAL CONTAINING NITROGEN )

Commissioner of Patents and Trademarks  
U.S. Patent and Trademark Office  
Customer Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is a Response to Notice of Non-Compliant Amendment dated September 27, 2006 in connection with the above application.

2. Additional Documents:

Substitute Specification

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months Requested</u>         | <u>Fee for Extension</u> | <u>[Fee for Small Entity]</u> |
|---------------------------------------|--------------------------|-------------------------------|
| <input type="checkbox"/> one month    | \$ 120.00                | \$ 60.00                      |
| <input type="checkbox"/> two months   | \$ 450.00                | \$ 225.00                     |
| <input type="checkbox"/> three months | \$ 1,020.00              | \$ 510.00                     |
| <input type="checkbox"/> four months  | \$ 1,590.00              | \$ 795.00                     |
| <input type="checkbox"/> five months  | \$ 2,160.00              | \$1,080.00                    |

Extension of time fee due with this request: \$.

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Fee Calculation (37 C.F.R. § 1.16)

| CLAIMS AS AMENDED                                     |                                  |       |                             |               |               |            |
|---|----------------------------------|-------|-----------------------------|---------------|---------------|------------|
|   | Claims Remaining After Amendment |       | Highest No. Previously Paid | Present Extra | at Rate of    | Total Fees |
| Total Claims (37 C.F.R. §1.16(c))                     |                                  | minus | 20                          | 0             | x \$50 each=  | + \$0      |
| Independent Claims (37 C.F.R. §1.16(b))               |                                  | minus | 3                           | 0             | x \$200 each= | + \$0      |
| [ ] First presentation of Multiple dependent claim(s) |                                  |       |                             |               | \$360.00      | + \$0      |
| SUB-TOTAL =   |                                  |       |                             |               |               | \$0        |
| Reduction by 2 for filing by a small entity           |                                  |       |                             |               |               | - \$0      |
| TOTAL FEE =   |                                  |       |                             |               |               | \$0        |

5. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

6. Fee Payment


- [ ] The Commissioner is hereby authorized to charge \$\_\_\_\_\_ to Deposit Account 50-0310.
- [X] The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 CFR § 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: October 5, 2006

By:

  
\_\_\_\_\_  
Mark J. Sullivan  
Reg. No. 54,478

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